

REMARKS

Claims 1-44 are pending in this case. The Examiner has issued a restriction requirement identifying groups I and II, with group I being indicated to include claims 1-37 drawn to a container and group II include claims 38-44 drawn to a process of making the container. The Examiner asserts that the inventions are distinct because the containers can be made using rectangular frames made from a material other than metal such as plastic.

Pursuant to 35 U.S.C. Section 121, applicant elects group I with traverse. Applicant has amended claim 38 to remove the requirement that the rectangular frame be made of metal. This amendment should overcome the Examiner's reason for considering the inventions distinct. Applicant has withdrawn claims 40-44 for reasons stated below.

The Examiner further asserts that the application contains claims directed to the following patentably distinct species:

- 1) Figures 3 and 3a
- 2) Figures 3 and 3b
- 3) Figures 3c and 3a
- 4) Figures 3c and 3b
- 5) Figures 4 and 3a
- 6) Figures 4 and 3b
- 7) Figures 6 and 3a
- 8) Figures 6 and 3b

Pursuant to 35 U.S.C. Section 121, applicant elects the species number 5 shown in Figures 4 and 3a with traverse. Therefore, applicant has withdrawn claims 5, 14, 18, 23, 28-35 and 40-44 as being drawn to a non-elected species. Claims 1-4, 6-13, 15-17, 19-22, 24-27 and

36-39 read on the elected species.

If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000. If any questions remain or Examiner wishes to discuss this matter, a telephone call to undersigned would be greatly appreciated.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: /J. Dwight Poffenberger, Jr./
J. Dwight Poffenberger, Jr.
Reg. No. 35,324

411 Vine Street
2700 Carew Tower
Cincinnati, OH 45202
(513) 241-2324
(513) 241-6234 (fax)